

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARRY ELIZANDO,

Plaintiff,

Case No. 13-cv-12165

Hon. Matthew F. Leitman

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF #14),  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT  
(ECF #12), AND DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT (ECF #9)**

On June 23, 2014, Magistrate Judge R. Steven Whalen issued a Report and Recommendation ("R&R") recommending that the Court deny Plaintiff Barry Elizando's Motion for Summary Judgment (ECF #9) and grant the Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF #12). (See ECF #14.) The R&R stated that the parties could object to and seek review of the recommendation within fourteen days. (See *id.* at 14, Pg. ID 474.)

Neither party has objected to the R&R. Failure to file objections to the R&R waives any further right to appeal. See *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir.1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the

Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's June 23, 2014, Report and Recommendation (ECF #14) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that Plaintiff's September 7, 2013, motion for summary judgment (ECF #9) is **DENIED**, and that Defendant's January 2, 2014, motion for summary judgment (ECF #12) is **GRANTED**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 15, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 15, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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